

N69



SPEECH

OF

John Milton
MR. NILES, OF CONNECTICUT,

ON THE

OREGON QUESTION.

DELIVERED

IN THE SENATE OF THE UNITED STATES.

THURSDAY, MARCH 13, 1846.

WASHINGTON:

PRINTED AT THE UNION OFFICE,

1846.

F860
.N69

1869

11

THE HISTORY OF THE UNITED STATES

OF

THE UNITED STATES

OF

THE UNITED STATES

THE UNITED STATES

THE UNITED STATES

THE UNITED STATES

1869

SPEECH.

On the resolution giving the twelve months' notice for the termination of the joint occupancy of the Oregon territory.

Mr. NILES rose and said—

Mr. PRESIDENT: It was not his purpose, said Mr. N., to occupy much of the time of the Senate in the remarks he had to submit on this subject; he spoke of the general subject of dispute concerning what is called the Oregon territory, rather than the particular bill under consideration; yet, considering its extensive nature, and various ramifications, he was admonished not to preface his remarks by any allusion to their brevity, lest he should add another to the many examples that such an introduction was a sure indication of a long speech. In what he should have to say, it was not his intention to discuss with a view to demonstrate or strengthen it—the title of the United States to that territory in any of its phases; nor did he propose to examine the British claims, although he might allude to the grounds of them and their extent, as compared with the claims of the United States. These topics had been fully and ably debated here and elsewhere, and probably all had been said that could be offered to any advantage. Besides, he did not regard the discussion of these disputed topics as having a very important bearing on the main question, which was, how this dispute between the two countries could be settled satisfactorily to the United States? We may convince ourselves, and our own people, that our title to the whole of that territory is clear and unquestionable; but, if our facts and arguments were as “strong as proof of holy writ,” would they convince the government of Great Britain or the people of England? Will they read our arguments; and if they do so, will they read them with that impartiality which will admit of conviction? And, if in any sense convinced, would it not be the case of a person “convinced against his will, who remains of the same opinion still.”

Nor did Mr. N. propose to discuss either positively or relatively the power and ability of the two countries, to sustain and prosecute a war—a question which, in his judgment, had little to do with this controversy in the present stage of it—a question which it would be time enough to discuss when

a rupture between the two countries should become inevitable, or the danger of it much more imminent than he believed it to be at present. Nor would he indulge in that fruitful topic of declamation, the calamities of war either abstractly, or in respect to what might be peculiar to this country; as however great the evils of war might be, he did not regard that as a very sound reason why we should not insist on such a settlement of this dispute as should recognise our just and reasonable rights. There were some other things that he would not bring into this debate. If he did not attempt to establish our title, he certainly would not labor to prove that the United States had no title at all. Nor, if we had, would he argue that we were so weak as compared with Great Britain, that it was the part of wisdom not to insist on our rights, but to secure peace at any sacrifice. And he would not repeat what others had done, and what he had witnessed with profound regret—he would not bring into this debate the resolution of the Baltimore convention either as proof that our title is clear and unquestionable, or as evidence of public opinion on this subject, nor as an argument to influence our action. Sir, that resolution was unauthorized. It was a subject with which that convention should not have intermeddled. It was, he believed, the first and certainly a dangerous example of giving a party character to a question connected with our foreign relations—a dispute with a foreign power which might result in war? And supposing such a result should follow, would it not give occasion for all who might be dissatisfied with the war to say that it had been brought upon the country by the proceedings of a party convention, and that the war consequently was a mere party war? When he had heard from some of his friends this ill-advised resolution pressed into this debate, he had been ready to exclaim, as he now did, introduce any other topic, press any other argument, but, in the name of Heaven, spare us, save us from an argument drawn from the resolution of a party convention, on a question involving the momentous issue of peace or war.

At the commencement of the present session, said

Mr. N., the President, in discharge of his constitutional duty, communicated to Congress the correspondence which had taken place between the Secretary of State and the British plenipotentiary in regard to the disputed claims of the two countries to the territory on the northwest coast of America, and in his message gave a history of the negotiations which have taken place on that subject since their commencement in 1818. He also recommended certain measures to the consideration of Congress for the maintenance of our rights. Among these measures, and what seems to be regarded as first in order, was the necessary authority to terminate the convention of 1818, renewed and continued by that of 1827. This matter having been brought before Congress, the first question seemed to be, whether it was proper for us to do anything in relation to it? Whether it was best to act at all, or leave it where it is—in the hands of the Executive—for him to dispose of? And if it is deemed advisable to do anything, the next question is, whether it is expedient to pass the bill under consideration for abrogating the convention? What he had to say on this subject was intended to be of a practical nature, and with a view to results, it not being his intention to discuss disputed abstract questions of right. Several senators who have addressed the Senate have expressed much doubt whether they could vote for the authority to give the notice for terminating the convention. They said that would depend on circumstances on what might be developed in the course of the debate, on what use was to be made of the power to give the notice, and what measures might be likely to follow it. Such he understood to be the views of the senator from South Carolina, [Mr. CALHOUN,] and the senator from Maine, [Mr. EVANS.] The last named senator, said that if there was even a remote probability that authorizing the notice would give rise to other measures which might disturb the peaceful relations between the two countries, it behooved us to pause, and to act with great caution. To this he certainly did not object; he thought himself, that before we took the first step it was proper and the part of wisdom to look ahead and see what other measures it might become necessary to adopt, how far we may be required to go, and where we can stop, and what condition we shall be in in regard to this controversy at that time. This measure might be unobjectionable in itself, but if it necessarily leads to others which would embarrass the subject, and tend to involve the country in war, that might be a sufficient objection to adopting it. Some gentlemen have considered this measure as a peaceful one; others as hostile, not because it was so in itself, but because it would necessarily lead to measures of a hostile and forcible nature. His friend from Michigan, [Mr. CASS,] if he had understood him, seemed to regard giving the notice to abrogate the convention as the first in the series of measures which would result in taking forcible possession of the disputed territory. If you abrogate the treaty; then extend your laws and jurisdiction over the territory, and attempt to dispossess the British settlers there, and if Great Britain should defend her subjects, as he thinks she probably would, why, then, war becomes inevitable. Nothing, perhaps, can be more conclusive. If the premises are admitted, no one, he presumed, could deny the conclusion. But are these measures the natural consequence of abrogating the treaty? Are they a necessary result of it? If we give the notice, shall we be bound to follow

up that measure by all or any of the measures he had alluded to? Mr. N. thought not. He did not consider the notice as the first of a series of measures for a forcible occupation of the disputed territory. We shall be left entirely at liberty to pursue such measures as we please, pacific or otherwise, after abrogating the convention. There is nothing, therefore, in this objection. What reason is there opposed to passing this resolution? Can any other or better measure be proposed?—or is it deemed the wisest policy to do nothing? To those who may think so, he had a word to say; he wished to know how those who took this position expected that this long and perplexing controversy was to be brought to a close. All must admit the importance of its being terminated; it had a tendency to disturb the harmony of the two countries. Do they look to time to bring about an adjustment? And how much time will be required? The negotiation has been pending for nearly thirty years, and we are no nearer a settlement than when it commenced. If in thirty years we have made no progress, how long will it take to obtain a recognition of our rights? But, it has been asked, why shall we abrogate the convention? What shall we gain by it? One object might be gained; it might favor negotiation, and conduce to a settlement. This, we had reason to believe, was, in part, the motive of the President in asking for the authority to annul the treaty; he believed that it would favor negotiation; and is it not wise to strengthen the arm of the Executive, and give him every facility and advantage to bring this dispute to a close? The President, by the constitution, is entrusted with the power of conducting negotiations, and of adjusting disputes with foreign powers; and he has asked for this authority, supposing it would be an advantage in the settlement of this controversy; and this (said Mr. N.) is a sufficient reason for giving it to him, unless there are strong objections to doing it. But there are other and sound reasons for terminating the convention—reasons independent of its influence, favorable to a settlement of this dispute by negotiation. The arrangement was never a beneficial one to the United States; and if it ever was, it has ceased to be so now. He disagreed entirely with the senator from South Carolina [Mr. CALHOUN] who said this convention had been important to us; that it had established our rights, and that without it, we should have had to abandon them, or to have sustained them by force. He did not understand how this treaty has sustained our rights, when, professedly, it had nothing to do with the rights of the parties to it; it left those in abeyance; its only object was to provide for a temporary use of the country, and to prevent disputes among those engaged in the fur-trade. And how had it effected this object? Why, by driving our traders entirely out of that trade, as had been shown by the senator from Missouri, [Mr. BENTON,] and securing a monopoly of it to the Hudson Bay Company. But this treaty arrangement, had obstructed the settlement of the country by our citizens; it was inconsistent with the settlement of the country, and as this was our object, it became important to remove the embarrassment which this treaty interposed. He regarded the act of Parliament of 1821, extending British laws over the country, so far as respects her own subjects, a violation of the spirit of the convention. That act had contributed to the settlement of the country by British subjects, if it was not so intended. And the Puget Sound Company, with a large capital, had been incorporated for

the express purpose of encouraging the settlement and cultivation of the country. But our citizens had been discouraged from settling there, because our laws and jurisdiction, did not reach them for their protection.

As matters now are, the British have every advantage; they have a monopoly of the fur-trade, and inducements for settlement. Let us, then, put an end to this unequal state of things. And let us see what condition we shall be in, when the treaty obligations are dissolved. We shall be restored to the condition we were in before the treaty took effect, and put into the exclusive possession of a part of the territory, and possess our rights to the whole, unfettered and unembarrassed, and be at liberty to enforce them as we may see fit. The senator from Georgia, [Mr. BERRIEN,] is mistaken, in supposing that the British will be in possession of two-thirds of the territory; she will not have the exclusive possession of any portion of it. The right of possession, like the title and jurisdiction, will be in dispute, and that party will have the advantage, which possesses the greatest facility for settling the country; and that will be the United States. We have settlements much nearer to it; and our citizens are more hardy and adventurous in effecting settlements in a new country in advance of civilization. The discovery of the South Pass, has removed the mountain barrier, and opened the country to the hardy enterprise of our citizens, particularly in the great valley of the Mississippi. Should there be no adjustment, the settlements by both parties will be attended by some embarrassment, but no greater on our part than on that of Great Britain. They have extended their laws over their subjects, and we can extend our laws over our citizens. This will be an embarrassing state of things—a double jurisdiction over the same country, but not essentially different from what it is at present, except that the parties will be on an equality in respect to rights and protection, and now the British have the advantage.

There was, in his judgment, no well-founded objections to abrogating the convention, and strong reasons in its favor. But a question has been raised as to the form of the notice; and there are several forms proposed, in the shape of amendments. Some had spoken of a qualified and an absolute notice; but there could be no qualified notice; the notice must be such as to terminate the treaty; it must do that, or it amounts to nothing, and it can do no more than that. But the notice may be accompanied by a declaration respecting negotiation, and there were several resolutions of that kind. He considered a simple notice—and as nearly in the words of the treaty as possible—as the most proper and dignified; and there would be no propriety in connecting any resolution or declaration of any description with it, was it not that in the debate the notice had been regarded by some as a hostile measure, or as the first in a series of measures, for the forcible occupation of the territory. In view of this, it might be proper, and certainly was not objectionable, to accompany the notice with a declaration that it was not intended to foreclose, or in any way interfere with a settlement of the controversy by negotiation. The resolution from the House amounted to no more than this, and met his approbation; and, with his present views, he should vote for the House resolutions, and against all amendments. In regard to the amendment offered by the senator from Georgia, [Mr. COLQUITT,] he thought that went too far, and was too supplicating. He

would not accompany the resolution for abrogating the convention with another resolution, which seemed to say that we are afraid of what we are doing. He would not say to Great Britain we think we have a right, and think it is for our interest to annul the convention, but are almost afraid to do it; we hope you will not be offended; we are extremely anxious to compromise the dispute on almost any terms, to quiet the minds of our people, who would be alarmed at the very thought of war. There was little dignity in this supplicating tone, this *begging* for a compromise; and he thought there could be nothing gained by it.

But, said Mr. N., the main question is, as all must admit, what policy on our part is best calculated to bring about a satisfactory adjustment of this long-standing controversy? We wish it settled; but on terms containing a reasonable recognition of our rights. We differ as to the extent of our rights; but all must agree that it is important that the dispute be settled, if it can be, on terms reasonably satisfactory, without disturbing the peace of the country. If we abrogate the treaty, there will be three ways in which this dispute may terminate: First, by negotiation and compromise; second, by one of the parties taking forcible possession of the disputed territory; and thirdly, by leaving it to time and the settlement of the country. The first he regarded as the most desirable, and as long as there is any prospect that our object could be attained in that way, it would seem to be our true policy to adapt our measures to this end. He believed that this dispute could be settled by negotiation, and therefore regarded it as important that Congress and the Executive should occupy a position favorable to such a result. We should stand where we ever have stood in regard to this controversy. We have from the first asserted a title or claim to the whole territory; but have recognised this claim to be in dispute, and have admitted that Great Britain may have certain rights in the territory. This has been our position. Shall we adhere to it? or shall we take a new position, and not only assert a claim to the whole territory, but deny all rights to Great Britain, and thus exclude all hopes of settling the dispute by negotiation? He regarded it as unwise and unsafe to assume such a position. He did not believe it prudent or wise to insist on our claim to its utmost extent, attended, as all must admit it to be, with some doubts and difficulties. If we insist on having the whole, we may lose all, besides incurring the hazard of involving the country in war. Have we any reason to suppose that Great Britain will yield to our claims to this extent, and relinquish her whole pretensions? It would be the greatest folly to believe this. If we insist on a claim to the whole territory, we must expect to defend it by force; and what right have we to assume that we shall be successful in such an attempt? As he had already said, he would not discuss the means or power of Great Britain or of the United States to sustain and prosecute a war. Both were powerful; and who could foresee the result? In insisting on all, we may lose all, besides bringing on the country the calamities of war. A moderate but firm course, he thought the best. He would not push our claims to the utmost extent, but would insist on a recognition of our reasonable rights. This had been our policy hitherto, and he saw no reason to change it. There was not only hazard in doing it, but there was difficulty arising from our own acts.

We have repeatedly recognised certain rights in Great Britain, and have proposed to compromise the dispute. How can we now deny all rights in her, and insist on a claim to the whole territory? What reason can we assign for this change in our position? Have we acquired any new rights since the renewal of the convention in 1827? We had acquired the Spanish title previous to that period. In what way is our title strengthened or better now, than it was at that time? Can we even say that we were ignorant of our just claims, and have obtained new light in regard to them? Shall we not expose ourselves to the charge of asserting a more extensive claim now than we have heretofore, merely because we are more able to defend it? Shall we suffer it to be supposed that our claims increase with the growing resources and power of the country? He did not contend that the faith of the country was pledged to an adjustment on the basis of the forty-ninth degree of north latitude; the propositions we have made were offered in the spirit of compromise, and did not amount to a limitation of our claims, or an admission that we had no claim beyond forty-nine. What he contended was, that in the negotiations on the subject, whilst asserting a claim to the whole, we have conceded that there was so much doubt or difficulty attending our claim, that we had been willing to concede a part to secure the recognition of the rest. This was the position we have occupied, and he thought we could not, with propriety, change it, without some good reasons for doing so. The character of our government and country for a respect for justice, and for fairness and moderation in its transactions with other nations, is of some importance, and should not be lightly hazarded. It is sound policy to maintain a position in this controversy so clearly just and reasonable as to secure the approval of other powers; and in case it should unfortunately result in disturbing the peace of the two countries, we might then justly expect the sympathy if not the assistance of some of them. Should a war follow, we must abide the verdict of the civilized world, and should endeavor to secure the good opinion of other powers, and particularly of our ancient ally, France. This is one reason in favor of moderation in asserting our rights. But a more important one is, to secure the approval of our own citizens, and unite public opinion in favor of our measures, especially in the event of our being compelled to assert our rights by force. The strength of this country in war, and the chance of success in the struggle will depend mainly on the harmony of public opinion in regard to the measure, and the necessity of it. If all hearts and hands are united, we shall be strong, and shall have reason to hope for success. But if we are plunged into war with divided councils, and a divided public opinion, what shall we have to expect?

The senator from Illinois, [Mr. BREESE,] has assumed that in a war for the whole of Oregon, our whole people will be united. He says, we shall have no peace party; although he admits a war would destroy our foreign trade. Sir, I fear the senator would find himself mistaken, dreadfully mistaken. No peace party! Why, a peace party is already forming in advance; who can be so blind as not to see this? Who has not witnessed the elements of a peace party already developed, and which, in due time, would be organized throughout the Union? And it would not be a peace party confined to one section, as during the late war; not confined to the

North, but extending to the South, if not over the whole Union. The strong elements of this party will be found in the commercial interest, which would be most seriously affected. That is an interest peculiarly sensitive; you cannot touch it without an excitement, if not the most determined opposition to your measures. It was a great and powerful interest, active and efficient, and would exert an influence greater than any other, according to the numbers engaged in it. It possessed a large share of the capital of the country, controlled a large portion of the money of the country, and employed no small amount of its labor. It is a formidable and dangerous interest, to array against the government in time of war; it is naturally favorable to peace, and will not acquiesce in the interruption of its pursuits, except for causes which imperiously demand it. It can do much, as it did during the last war to derange and break down the finances of the government. Who would wish to see re-enacted the scenes which occurred during the period to which he had referred? The country struggling with a powerful nation, and the arm of the government paralyzed by the spirit of disaffection and faction? If we are to be involved in war from this controversy, we must be careful that we do all that could reasonably be expected to avoid such a calamity, so as to satisfy all classes, and, as far as possible, the whole people, that our government has been reasonable, and acted with moderation in the assertion of our rights; that it has yielded all that it could yield, without giving up the acknowledged rights of the country, and compromising its honor.

Mr. President, I have endeavored to point out the position which the government of the United States has occupied, and ought to continue to occupy, in regard to this controversy. But it has been claimed, or assumed in this debate, that the President has abandoned this position, and that he now intends to assert a claim to the whole territory, and yield to no adjustment upon any other basis. It was certainly a matter of regret, that the position of the Executive, upon a question so important as this, should be a matter of doubt, and a subject of dispute among his friends here. He had witnessed the disputations on this point with pain; and for his own part, he believed there was no just grounds for them. We can know nothing, sir, of the opinions or purposes of the Executive, but from his official acts and communications. It would, in his judgment, be highly improper for the President, on a subject like this, to communicate his private opinions or intentions to any one; and he did not believe that he had done so, and for this opinion he had the highest authority. The position occupied by the President, and what may be his future course in relation to this dispute, can only be known, or judged of, from his official acts—from what he has done, what he has recommended, and the opinions and purposes he has officially explained. And if we look to this source, and this alone, he thought there ought to be no great doubt on this subject. Has the President expressed himself with so much obscurity that he cannot be understood? Or is it supposed that he has intentionally concealed his thoughts in dark and ambiguous language, or by conflicting and contradictory statements? For his part, he found no difficulty in understanding the message, or in learning from it the President's position. After giving a history of previous negotiations, he informs us of the proposition he had offer-

od for the adjustment of this dispute, which, not being accepted, was withdrawn. But he does not inform us that he has changed his ground; that he shall hereafter decline all negotiation, or, what would be the same thing, negotiate on no other basis than a recognition of our claims to the whole territory in dispute. He does not say this; nor does he say anything that can by any forced construction be tortured into a meaning that he has assumed any such position. A remark of his seems to have been misunderstood. He says the proposition which had been offered and not accepted was withdrawn, "and our title to the whole territory asserted and maintained, as is believed, by irrefragable facts and arguments." This is not the expression of any opinion, or of any purpose, as to the future, but relates to what had been done; it refers to the last letter of our Secretary of State, which asserts, and attempts to maintain our title to the whole territory by irrefragable facts and arguments. The only opinion he expresses is, that the offer made by Great Britain could not be acceded to without a relinquishment of our just rights, and the sacrifice of the honor of the nation; and he also says that he sees no reason to expect that any offer of compromise will be made by Great Britain which the United States can accept consistently with what is due to our rights and honor. This may look unfavorable to a settlement by negotiation; yet it is a very different thing from saying that he had changed his ground, and should hereafter insist on our claims to their utmost extent.

Much stress has been placed on his declaration, that he made the offer of the forty-ninth parallel, only in deference to what had been done by preceding administrations; but the declaration does not stop there, for he adds, "and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees." It is doing great injustice to the President, to say, that he made a proposition which he did not approve, from mere deference to the opinions of his predecessors. This is a very different thing from making a proposal for adjustment, in consideration of what they had done; from a regard to the previous acts of the government; and the influence they must necessarily have on the question. It was the acts of the government, the position it had early assumed, and long maintained in this controversy. If this consideration, in the judgment of the President, rendered it proper and right for him to propose for the adjustment of this dispute, the same basis his predecessors had assumed, does not the same reason continue still, and possess the same force now that it did when he made the proposition? And having renewed this offer himself, will it not be more difficult now for him to insist on a more extensive claim on our part, than it would before he had renewed the proposition formerly made? Has he not, in a measure, tied up his own hands? If he had intended to have insisted on claiming the whole territory, ought he not to have done so at first, and not have weakened such claim, and embarrassed himself by renewing the offer to compromise? It appeared to him that it was now too late for the President to put forward any such claim; and after what he has done, he did not see how he could do it.

There is certainly nothing in the declarations of the President to show that he had changed, or intended to change, his position, or depart from the

policy of his predecessors, which he seemed to consider himself bound to respect. And if we look to his acts, to what he has done, or recommended to Congress to do, we find nothing there to favor the idea that he has changed his ground, and intends now to insist upon our rights to their utmost extent, regardless of consequences. He recommends giving notice to abrogate the convention, the extending the laws of the United States over the territory, in respect to our own citizens, and to the same extent that Great Britain has extended her laws over her subjects. He also recommends the establishment of military posts to encourage and protect emigrants to the territory, and the establishment of Indian agencies west of the Rocky mountains, to preserve friendly relations with the Indian tribes, and the establishment of a mail to the Oregon territory—all of which measures he considers as consistent with the treaty, and in no way tending to disturb the peaceful relations between the two countries. There are no measures recommended that are inconsistent with negotiation, or that look to the assertion of our rights by force, or the forcible occupation of the country in dispute.

He had endeavored to show what was the true position of the Executive, and what ought, in his judgment, to be the position of Congress in regard to this controversy. This he deemed very important; he considered it important to the country that the true position of the Executive and of Congress in respect to this dispute should be known, that the public might be enabled to form their own opinions as to the probable issue of it. If they know where their government stands, they can judge of the probable result as well as we can. They can make some calculations as to the prospect of peace or war, which is so essential to the commercial and other interests of the country.

The senator from New Jersey, [Mr. DAYTON,] not now in his seat, reviewed the negotiations which have taken place between the two governments, and seemed, if he understood him, to think that our own had been in the wrong. He heard this with surprise, as he had come to a very different conclusion; he had supposed that our government had been reasonable and forbearing in the assertion of its rights, and had, in every attempt at negotiation, shown a disposition to make great concessions of what we honestly believed to be our just claims, to effect an adjustment of this long and perplexing dispute. What have been our propositions for the adjustment of this controversy, and what have been those of Great Britain? We have proposed to divide the territory on the forty-ninth parallel of north latitude, with some privileges south of that line, sometimes greater and sometimes less, in the different negotiations. Great Britain has offered, substantially, to make the Columbia river the boundary, and to take all north of that river to herself. She has offered us something more in a part of the territory, by continuing the forty-ninth parallel to the north branch of the Columbia, and following that stream to the Columbia, and thence to the Pacific; and in some of her propositions has offered a strip north of the Columbia on the coast, including Bulfinch's harbor, and to the straits of Fuca. But substantially, her proposition has been the Columbia. When in the late negotiation here, our government renewed the offer of the forty-ninth parallel, with some additional privileges, but not including the navigation of the Columbia, it was rejected the same day by the British minister here, without sub-

mitting it to the consideration of his own government. And this was not all: in rejecting it the British minister adds, "that he hoped the government of the United States would submit some other proposition more consistent with fairness and the reasonable expectations of the British government." Yes, sir, the British plenipotentiary indulged the hope that our government would offer some proposition more consistent with fairness and the just expectations of the British government. Well, sir, what are the just expectations of the British government? With a pretty fair title to the whole of it, as we think, we have offered to divide the territory, and give them about one-half in point of extent, and probably quite one-half in value, considering the privileges of inland water and navigation; and yet we are told that this proposition is deficient in "fairness," and falls short of the "just expectations of the British government." Well, what offer has the British government made as an evidence of its fairness? It has offered the Columbia river as the boundary, taking all north of that river to themselves. They propose to take more than eight degrees of territory, and leave for us about four and a half; or they take two-thirds, and allow us one-third. But this is not all; they would have Vancouver's island, a valuable part of the territory; and the sounds, bays, and straits, around it; indeed, all the harbors and navigable waters north of the Columbia, and it is admitted, that there are none south of it; so says Captain Wilkes, who has surveyed the coast. We should have no harbor, nor navigable waters but the Columbia river, and the British would have an equal enjoyment of the harbor at the mouth of that river and of the river itself. Such seem to be British ideas of "fairness," and such the "reasonable expectations of that government." Verily, this would be taking the lion's share. But to form a just estimate of the reasonableness and fairness of the propositions which have been made by the two governments, it would be necessary to look to the grounds and extent of the title, or claims of each. It was not his purpose, as he had already stated, to examine the evidence or proofs of the title of either party, but he would make a few remarks, as to the nature and extent of them. What is the nature and extent of the British title or claim? In the different negotiations she has not been very consistent, either as to the nature or extent of her rights. Sometimes she rests her claim on discovery and the laws of nations, independent of the Nootka convention; at others, it is said, all her rights are summed up and settled in that convention. She says she has certain rights in that territory in common with others, but does not define those rights, nor at all times agree as to the origin and grounds on which they rest. She claims no exclusive rights; no rights of jurisdiction, over any part of the territory, and yet she thinks it reasonable, that she should have more than two-thirds of it. The strongest argument he had seen in support of the British title, was from the senator from Maine; [Mr. EVANS,] he has made a much more able argument, in support of her claims, than her minister here. He contends that she has rights sustained by the laws of nations, independent of the Nootka convention; and of which that was a mere recognition. This he denied; he denied that she had any rights on the northwest coast, except what may have been derived from that convention, and the possession and settlement of the country since, and in consequence of that convention. What these

rights are, and whether they now exist, is another question. What rights had Great Britain previous to that convention? She claims no exclusive rights to any part of that coast, but says she had certain rights in common with others. What were these rights, and on what grounds did they rest? She has sometimes made a feeble attempt to support her assumed rights, on the ground of discovery and exploration; but seems finally to have abandoned that argument, as untenable as it clearly is; and now she seems to assume the position that the northwest coast was an open country, and free to be used for the purposes of navigation and trading by any nation, or at least by her. She denied that Spain had the exclusive jurisdiction of that coast, and this appears to be the only foundation of the rights she set up for herself—with the denial to Spain of exclusive jurisdiction, she asserts certain rights in herself, in common with others, regarding it as an open or unappropriated country which any nation might use. And in this view of it, she asserts that she had rights by national law. Now, he should like to know, on what principle of public law, such rights as these were recognised or justified? Is it so that by international law, a country can remain open and free to the use of all nations like the ocean? He knew of no such principle, and was sure there was no such principle. It was entirely inconsistent with all the principles of national law, respecting the acquisition of rights in a new or unsettled country. Spain first discovered that coast, and she either acquired certain rights by her discoveries, or she did not. If she did, these rights were exclusive, and neither Great Britain, nor any other nation could acquire the same rights, unless Spain should have forfeited or lost the rights she had so acquired. The rights of Spain may not have been complete; she may not have acquired a perfect title or jurisdiction to the country; but if she had acquired rights there, which might by possession and settlement be rendered perfect, and give her exclusive jurisdiction, then Great Britain nor any other nation could not lawfully interfere with her rights, and prevent her from consummating her title. Whatever rights Spain had were exclusive; she claimed nothing in common with other nations. Did Spain acquire no rights by being the first discoverer? If any, what were those rights? Did she not acquire an imperfect title, or the right to possess and settle the country, and thus secure a complete jurisdiction over it? Whatever rights she had, they were exclusive; and although her rights may not have amounted to a complete title, yet, if they secured to her the privilege of making them complete by possession and settlement, then the interference of Great Britain was manifestly unlawful, and a violation of the rights of Spain; because it prevented her from perfecting her title. If Spain acquired anything at all by discovery, she acquired the right to perfect a title; but this right Great Britain defeated, by forcing Spain to yield to her certain rights in the country inconsistent with the right of Spain ever to acquire an exclusive title.

There can be no mistake in this reasoning, unless Spain lost the rights she acquired by discovery, by lapse of time and neglect to possess and settle the country. This she might have done; but what are the facts? The southern part of the northwest coast was discovered and explored by Spain at an early period; but that part now in dispute, or nearly all of it, was not discovered and explored by her

until 1774 and 1775, only five years before the treaty of 1790. This period is so short, it cannot be contended that Spain lost any rights she acquired by discovery, by neglect to settle the country. She must have a reasonable time, and certainly five years could not be an unreasonable one. To have lost her rights by neglect, there must have been such delay or lapse of time in settling the country, as to have afforded evidence to the world, that she had abandoned her rights of discovery, and did not intend to settle the country and extend her jurisdiction over it. But instead of this she had constantly asserted her claim and jurisdiction over it.

Sir, the fact is, the convention of Nootka sound was extorted by Great Britain from the weakness of Spain. Her only right was the seventy ships of the line which were fitted up and prepared for war by Mr. Pitt, who applied to Parliament for a grant of fifteen millions for that purpose. Great Britain was the aggressor in that transaction, and she has never had any rights on the northwest coast, except what she acquired by the Nootka convention, and that was extorted from Spain by the threat of war. Whether that convention was now in force, or had been abrogated, was a question he did not propose to examine. Nor would he inquire into the extent of those rights; they certainly were not the rights of exclusive jurisdiction to the whole or any part of the territory. But whatever they may be, they are all the rights she ever possessed, and whether these continue now, is, to say the least, doubtful. She can have no other rights, unless she has acquired them by possession and occupation of the country since; but that convention did not admit of either party acquiring rights in that way. Perhaps the strongest view of the British claim was that she was in possession and occupation of a portion of the territory, and asserting rights there when we acquired the Spanish title. Whether rightfully or not, she was there, and asserting a right to be there, when the Spanish title came into our possession; and it could not be denied that we had in some measure acquiesced in her assertion of rights. She was in possession there, and is still in possession, and if not a rightful possession, it was a sort of title—the lowest grade of title. He thought abstractly considered, the Spanish title was good to the whole territory in dispute; he thought the senator from New York [Mr. Dix] had shown this by his very clear exposition of the discoveries and settlements upon that coast. The senator from New Jersey [Mr. DAYTON] seems not to think so; he said we must all have seen the weak point in the senator's argument; the point where the Spanish title seemed to fail. He supposed the senator alluded to the most northerly Spanish settlement at Nootka sound. But why should the rights of Spain end there? She had discovered and explored the coast to north of 60°. Could she have no rights north of her most northerly settlement? Did not the discovery of the coast with settlements at certain points upon it, give some right to the whole coast? But he did not assert the right of Spain from settlements, but from discovery which gives an inchoate or imperfect right, which may be made perfect by being followed up by settlement.

Sir, in any view which can be taken of the British title, it rests on a doubtful and frail foundation, and is limited in its nature and extent. It does not rise to the importance or dignity of eminent domain or exclusive jurisdiction.

How much stronger and more substantial is the

title of the United States; and how different in its nature and extent! We have the Spanish title to the whole territory; and to the 49th parallel, we have the rights of discovery, exploration and settlement, giving us a complete title as against Great Britain, and good against the whole world since have acquired the Spanish title. In addition to this we have the title of France, acquired by the cession of Louisiana in 1803, which secured to us the advantages of the tenth article of the treaty of Utrecht, which provided for establishing a line or boundary between the French and British possessions in America. Under that article the forty-ninth parallel is supposed to have been established as the boundary between the possessions of the two countries, extending west indefinitely. Nor does it seem to be material whether the line was actually run or not, if it was established by commissioners.

In addition to all this, we have the right pertaining to contiguity. The United States bound on this part of the territory in dispute; and in the absence of any well established title in any other power, this gives us a claim to the territory, as being convenient to us, and more important to us than to any other nation. This is not a claim against a valid title, but like the right of discovery, it is a ground of claim—it is a reason why we shall have the territory in preference to any other nation. And is there not force in this reason? Is not this country important to us, more than to Great Britain, or any other power—at least to the present northern boundary of the United States? Is it not important that our possessions should extend across the continent from ocean to ocean? And is it not also important that a foreign power should not establish itself on our border on the Pacific, and cut us off from that ocean, and deprive us from all access to it? Would not this add to the exposure of our western and northern frontiers in case of war?

In questions of this kind in relation to disputed territory, where no nation has an undisputed title, but two or more may have claims or imperfect titles, their respective claims are not to be adjusted solely with reference to their respective pretensions, or assertion of rights, but in part by considerations of their wants, necessities, and conveniences. Regard should be had to the relation in which they stand to the disputed territory, and its importance for security, defence, or occupation. A territory may be very desirable to one country, and of little importance to another. And how do the parties stand in relation to this disputed territory? It adjoins us; it is a part of this continent—a part of our country; the discovery of the South Pass, and others, has removed the barrier which the Rocky mountains were supposed to interpose, and opened our country to the Pacific, which has become its natural boundary on the west. A great country, such as the United States is destined to be, can have no other natural limits than from sea to sea—from the Atlantic to the Pacific. And, in regard to Great Britain, she is twenty thousand miles from the northwest coast; her possessions in America, it is true, border on a part of this disputed territory; but contiguity to a remote colony is a different thing from contiguity to the home possessions of any country. To want a territory for distant colonization is very different from wanting it for the natural extension and enlargement of a country adjoining it. These views are not only founded in justice and common sense, but are recognised and sanctioned by the laws of nations.

Mr. President, what must be thought of the prop-

positions of the two governments for the adjustment of this dispute, when viewed in connexion with the nature and extent of their respective claims? Our title to more than half of the disputed territory seems almost unquestionable; besides which, we have the Spanish title, covering the whole of it, which is abstractly a fair title. And Great Britain has at best but a defective and disputed title to a part of the country. And, from proximity and position, our claims are much stronger than hers. Yet, under these circumstances, she claims two-thirds of it, and nearly all the privileges of navigation. And when we offer to make about an equal division of it, yielding all but the valley of the Columbia, to which our title seems clear and almost beyond dispute, she rejects the offer, and expresses the hope that we may make a proposition more consistent with fairness, and the just expectations of the British government. Which party, in this protracted negotiation, has shown the most moderation and fairness? Which has shown the most readiness to concede, and not to press its claims to their full extent? Let the world decide! And have we not made sufficient concessions? Can we yield more, consistently with a just and proper regard to our rights and the honor of the nation? Must we not make a stand somewhere, beyond which we cannot yield? He certainly thought so. This was not a mere question of property, as some seemed to regard it. The national honor certainly was involved in this controversy; not in the assertion of our rights to the whole territory, for we have in all past negotiations acknowledged Great Britain to have certain rights; not in going to any particular parallel of latitude, but in obtaining a just and reasonable adjustment; an honest and just recognition of our rights; a fair and equitable division of the territory, if the adjustment is on that basis. This is not a question of war or compromise, but a question of reasonable and equitable adjustment, or the assertion of our rights by force, should it become necessary. However we may value peace, we cannot yield everything for so high an object. He agreed with the senator from Kentucky, [MR. CRITTENDEN,] that the interests of peace were the first and highest interests of a nation; but high and dear as they are, they cannot be maintained by a sacrifice of essential rights, or compromising the honor of the country. This negotiation is in the hands of the Executive; the constitution has placed it there; but it is the duty of Congress to sustain him in asserting and maintaining the just rights of the republic. Let us not weaken his hands, but strengthen them. Let us not undermine his position, or attempt to force him to assume a new one, but endeavor to strengthen and fortify the position he has taken. All want this controversy settled; but it can only be settled by a fair and equitable adjustment. It is the part of wisdom to avoid the extremes of pushing our claims too far, or of showing a disposition to yield too much. We must take a position which is clearly just and reasonable, and stand firm and steadfast upon it, regardless of consequences, and at every hazard.

If peace is dear to us, it should not be less dear to Great Britain. And are we alone to be called on to make concessions to preserve the peace of the two countries? Is England to yield nothing? Is she to have all she desires, and more than she has even a pretended title to? If concessions are to be made for peace, should they not be mutual? Should not Great Britain yield something of her pretensions? With the stronger and better title on our part, does

she expect we shall yield all, come to her terms, and give her all she has the assurance to ask? This cannot be; peace cannot be preserved in this way. He would not say whether England dared to go into a war single-handed for the whole or a part of Oregon; but he would say that she dare not hazard a war on the extreme claim she has set up to this territory. She dare not take the responsibility of a war on a claim so unreasonable and extravagant. She dare not encounter the judgment of the civilized world; and if we stand firm, not increasing our demands, nor evincing a disposition to yield more, he had no doubt that England would give way, and that the honor of the two countries would be maintained.

There was another consideration he wished to notice. What we may do is scarcely more important than the manner in which it may be done. Unanimity in our action is nearly as important as what our action may be. Congress should present a united and bold front in sustaining the Executive in the assertion of our rights. When the resolutions of his friend from Michigan, [MR. CASS,] were under consideration, in the few remarks he made upon them, he took occasion to urge the importance of unanimity on a question connected with our foreign relations; and although he did not attribute the result at all to anything he said, he rejoiced, as he presumed every senator did, that the vote was unanimous. The same unanimity could not be expected on this question, yet he hoped that we should have a united and strong vote in favor of the notice, in some form, and he was not very anxious in what form it should be passed.

The Senator from New Jersey [MR. DAYTON] remarked, that there seemed to be a determination on this side of the chamber to take an extreme position beyond what could be assumed on the other side; that if they advanced, we took a position still in advance of them, and that it seemed we were disposed to drive them to the wall. He hardly knew what the senator meant by driving them to the wall, unless it was driving them beyond the line which separated American from British interests, and forcing them on to the British side of that line. If this was his meaning, he (Mr. N.) believed he was entirely mistaken; he certainly was, so far as he was concerned, and so far as he knew the feeling on this side of the hall. Instead of wishing to drive them over that line, he had at times been almost afraid that they might, without such design, reason themselves on the wrong side of the line; and had it been in his power, he would have checked their advance, instead of pushing them on. He had no desire that this question should be used for political purposes. It was above being used for any such object.

On the subject of the acquisition of territory, he was by no means disposed to excite or encourage a restive spirit of national aggrandizement; nor did he think it necessary to prescribe limits to the republic. On political grounds, he had no fears from the mere extension of the confederacy; it would be rather strengthened than weakened by that cause. But our true policy (he thought) was that which had prevailed from the origin of our government—not to seek acquisition or show any anxiety on the subject; but, as opportunities might occur of adding adjoining territory, by peaceful means, to avail ourselves of them, when deemed for our advantage. It was in this way we had acquired Louisiana, Florida, and Texas; and by the same policy he thought we could acquire Oregon, or such portion of it, as

would answer all essential and important purposes we could have in view. He thought, in the acquisition of territory, we were doing pretty well. We last year acquired Texas—a territory said to be sufficient for five or six States; and if we were to obtain Oregon to 49° only this year, a territory large enough for an equal number of States, on the Pacific, he thought it would be doing tolerably well for two consecutive years. For his part, he should be quite satisfied and content with an advance at this rate. Besides, we have perhaps increased the facilities of enlarging our possessions, or overcome what may have been regarded as an obstacle in the way of it. He was about to say what he never had said, and perhaps ought not to say. [Mr. BENTON—let us hear it.]—It was that, in the acquisition of Texas as well as of Louisiana, we had perhaps stretched the constitution a little. He had always believed that there was great difficulty in accomplishing that object, either by treaty or in the form of admission as a State. The latter he regarded as most free from difficulty; but annexation, if not in theory, was at least in practice, a new principle; and it was certainly a very comprehensive one, if it is to have that scope which was given to it, by two of the most distinguished advocates of the measure on this side of the chamber, now no longer here. In saying this, he must except his friend from Missouri, [Mr. BENTON,] who he held to be first of American statesmen. The principle of annexation, as defended and sustained by the gentleman alluded to, was extremely broad; indeed without limitation; it would take into our confederacy, England, China, and the whole world. Such was not his construction of that article of the constitution; it was too loose, and latitudinarian for him. But with any restriction, that can be given to it, annexation was a broad and comprehensive principle; it would admit of any convenient extension of our confederacy. The acquisition of Texas, he regarded as an important object, and with difficulty brought his mind to vote for it; and that addition to our family of States he sincerely hoped, would not prove to have been accomplished by a Caesarian operation. The extent of the principle all must admit, but its influence on our system, whether safe or dangerous, time only could determine. He hoped it might not have the effect of some of the innovations upon the institutions of ancient Rome, as that of conferring on the people of the neighboring cities of Italy, the same privileges as were enjoyed by the citizens of Rome. But annexation was a convenient and efficient principle for extending the limits of the republic; it might be applied to Mexico and the whole continent. Mexico was falling to pieces; the northern provinces might seek the security and protection of our Union, and apply for admission. Already has Yucatan seemed disposed to apply for admission into our confederacy, and to seek the protection of the United States against Mexican misrule and oppression. She is a little too remote for our purposes; but California which had a more favorable position seemed already to be coveted by some of our citizens. The example of Texas may have a more extensive influence than any one is now aware of, on the whole, or at least all the northern provinces of Mexico. This probable union of Mexico with the United States is beginning to be discussed there, and when the advantages of our Union are better understood, they may come to the conclusion that a union with us is the only resource against misrule and anarchy. We shall have no

difficulty in enlarging our possessions, and the question with us, should rather be, what we will accept, than what we can acquire? He hoped, at any rate, that we should be satisfied with the principle of annexation, and should not seek to extend our limits, by another principle, more ancient, but more dangerous, that of conquest.

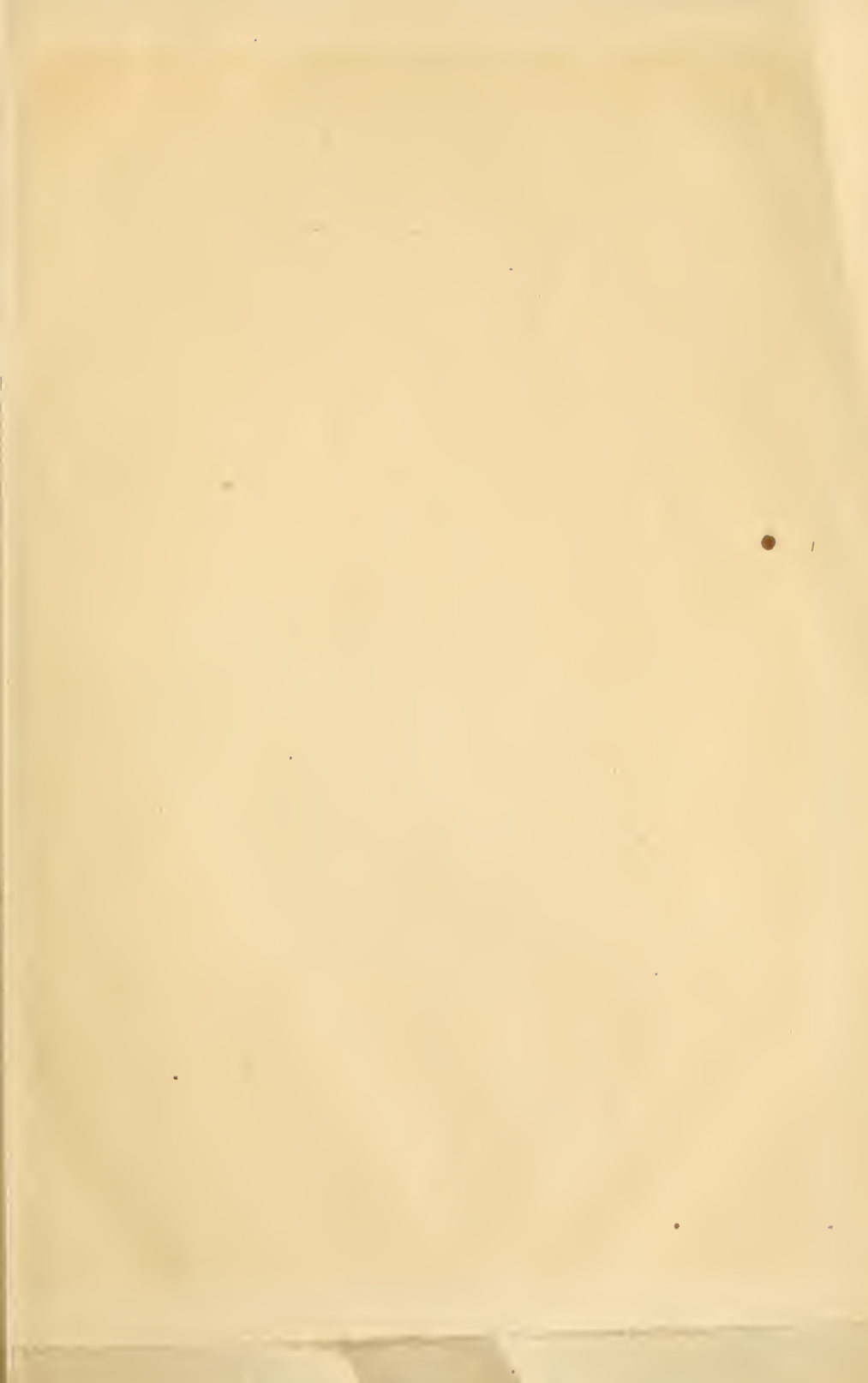
That was one objection he had to settling our claims to Oregon by force; as that might have, at least, the appearance of conquest. We assert a right to it, but history proves, that all cases of conquest, have been accompanied by the assertion of a right of some sort. He hoped never to see territory added to our republic by conquest or force.

Sir, the foreign relations of our country are assuming a new, and, perhaps, somewhat critical aspect. In our difficulties with foreign powers, heretofore, we have been regarded as a young and comparatively feeble nation, which has secured to us, the sympathies, and in one instance the aid, and co-operation of other powers. They had faith in our justice, and the moderation of our demands. Now, our condition is changed; we are regarded as one of the great powers of the earth; and although possessing an extent of territory enjoyed by few nations in ancient or modern times; we are suspected, yes, accused of coveting more, and of being influenced by a spirit of territorial aggrandizement. And can it be said, that we have given no occasion to this imputation? He did not allude to Oregon. But do we not hear suggestions about acquiring California, and even Cuba, during the very time that we were adopting measures to secure Texas and Oregon? A spirit of jealousy is rising up against us, and it behooves us to act with some caution, as well as moderation, firmness and steadiness in our policy. We should appreciate the true and certain destiny of our country; its certain greatness; in extent, in population, in physical resources, in the energy of our people, the offspring of free institutions, and in all the elements of national power. What occasion have we to feel any solicitude about the acquisition of more territory? With natural resources superior to any other nation, and enjoying a prosperity surpassing all others, all that can be wanting is, a continuance of peace to enable us soon to reach that elevated rank in the scale of nations, that greatness which is our ultimate destiny.

But while this controversy remains unsettled, a cloud must hang over our country, which all must desire to see removed, and which had become the highest duty of the government.

In conclusion, Mr. President, (said Mr. N.,) he would say to the American Senate and to the country that with this portentous cloud hanging over us, we should have hope and faith—abiding and unshaken faith—in our government, in the Executive as well as in Congress; faith in the justice of our cause; faith in the patriotism of our people; faith in the people of England, not in their government; in their sense of justice, and love of peace; and above all, faith in a just and overruling Providence, who hath declared that “the race is not to the swift, nor the battle to the strong.” With this abiding faith, and conscious of the justice of our cause, let us all—whether as private citizens or as connected with the administration of the government—fearlessly do our duty to maintain the rights and honor of our country, leaving the issue to that Almighty power which has so long protected and blessed our beloved country, which holds in its hands the destinies of nations, and “turneth the hearts of men and of kings as the rivers are turned.”









LIBRARY OF CONGRESS



0 017 187 348 4